

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of)
Application 15404 of Harry Rasmussen,)
Application 15573 of Fred Siemer,)
Application 15661 of I. D. and Flora Wood,)
Application 15669 of Vern and Edith Wood,)
Application 15948 of Peterson Farms,)
Application 18146 of Gus and Elinor Luers,)
Application 18210 of PFC Ranch,)
Application 18533 of Chris Ketelsen,)
Application 18555 of Floyd White,)
Application 18556 of)
 James G. and Maude F. Robbins,)
Application 18642 of Paul G. Christensen)
to Appropriate from Santa Rosa Creek;)
and Application 18543 of)
 William and Nadine Gallagher,)
to Appropriate from Laguna de Santa Rosa,)
in Sonoma County)

Decision No. D 1038

ADOPTED SEP 26 '61

The parties named above having filed the subject applications for permits to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Rights Board conducted by Chairman Kent Silverthorne on October 22, 1959, in Santa Rosa, California; due notice of said hearing having been given to all parties; applicants and certain

of protestants having appeared, evidence having been received, and the Board, having considered same and now being fully informed in the premises, finds as follows:

1. Application 15404 of Harry Rasmussen, filed on July 7, 1953, is for a permit to appropriate 1.44 cubic feet per second from Santa Rosa Creek in Sonoma County between May 1 and November 15 of each year for irrigation purposes within Section 18, T7N, R8W, MDB&M.

Application 15573 of Fred Siemer, filed on October 9, 1953, is for a permit to appropriate 2 cubic feet per second from Santa Rosa Creek in Sonoma County between June 1 and October 31 of each year for irrigation purposes within Sections 20 and 21, T7N, R8W, MDB&M.

Application 15661 of I. D. and Flora E. Wood, filed on December 28, 1953, is for a permit to appropriate 0.94 cubic foot per second from Santa Rosa Creek in Sonoma County between June 1 and October 1 of each year for irrigation purposes within projected Section 21, T7N, R8W, MDB&M.

Application 15669 of Vern and Edith Wood, filed on January 6, 1954, is for a permit to appropriate 0.75 cubic foot per second from Santa Rosa Creek in Sonoma County between June 1 and October 1 of each year for irrigation purposes within projected Section 21, T7N, R8W, MDB&M.

Application 15948 of Peterson Farms, filed on July 16, 1954, is for a permit to appropriate 1 cubic foot per second from

Santa Rosa Creek in Sonoma County between May 1 and September 15 of each year for irrigation purposes within Sections 17 and 18, T7N, R8W, MDB&M.

Application 18146 of Gus and Elinor Luers, filed on May 21, 1958, is for a permit to appropriate 3 cubic feet per second from Santa Rosa Creek in Sonoma County between April 15 and September 30 of each year for irrigation and stockwatering purposes within Section 14, T7N, R9W, MDB&M.

Application 18210 of PFC Ranch, filed on July 8, 1958, is for a permit to appropriate 0.42 cubic foot per second from Santa Rosa Creek in Sonoma County between June 1 and September 1 of each year for irrigation purposes in Section 21, T7N, R8W, MDB&M.

Application 18533 of Chris Ketelsen, filed on February 16, 1959, is for a permit to appropriate 1 cubic foot per second from Santa Rosa Creek in Sonoma County between April 15 and September 30 of each year for irrigation and stockwatering purposes within Section 13, T7N, R9W, MDB&M.

Application 18543 of William and Nadine Gallagher, filed on February 20, 1959, is for a permit to appropriate 1.25 cubic feet per second from Laguna de Santa Rosa in Sonoma County between April 15 and September 30 of each year for irrigation and stockwatering purposes within Section 11 and projected Sections 10, 14, and 15, T7N, R8W, MDB&M.

Application 18555 of Floyd White, filed on February 26, 1959, is for a permit to appropriate 0.28 cubic foot per second from Santa Rosa Creek between April 1 and September 30 for irrigation and stockwatering purposes within Section 18, T7N, R8W, MDB&N.

Application 18556 of James G. and Maude F. Robbins, filed on February 26, 1959, is for a permit to appropriate 0.28 cubic foot per second from Santa Rosa Creek between April 15 and September 30 of each year for irrigation and stockwatering purposes within Section 18, T7N, R8W, MDB&M.

Application 18642 of Paul G. Christensen, filed on April 13, 1959, is for a permit to appropriate 0.75 cubic foot per second from Santa Rosa Creek between April 15 and September 30 of each year for irrigation and stockwatering purposes within Sections 13 and 24, T7N, R9W, MDB&M.

2. Available information as to the flows of Santa Rosa Creek above the City of Santa Rosa's sewage disposal plant for the critical months under the applications is as follows:

	(mean cfs)				
	<u>June</u>	<u>July</u>	<u>August</u>	<u>Sept.</u>	<u>Oct.</u>
1958**	1.85	0.15	0.08	0.16	0.06
1959***		0.05			

**Flow computed from bi-monthly spot measurements.
***Spot measurement on July 23, by Board staff engineers.

Available information as to the flows of Santa Rosa Creek below the City of Santa Rosa's sewage disposal plant for the critical months under the applications is as follows:

	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>Sept.</u>	<u>Oct.</u>
1955*	7.1	3.0	2.5	1.3	3.0	
1958**		8.7	4.5	2.9	3.2	3.9
1959***			4.5			

The requirements of existing appropriative rights held by protesting licensees, R. and R. Wendell Dairy and Russell L. Denner, as of record with the State Water Rights Board, are as follows:

<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>Sept.</u>	<u>Oct.</u>
.09	.09	.42	.33	.33	.33	.33

3. The protestant City of Santa Rosa did not appear at the hearing or supply any evidence in support of its protest.

4. The protest of the Sonoma County Flood Control and Water Conservation District is based upon an apprehension that the granting of the protested applications may prevent the District from receiving water for its Coyote Valley Project to which it is entitled under its applications on the Russian River. The District's applications to appropriate water of the Russian River are subsequent in time to all of the present applications

*Water stage recorder.

**Flow computed from bi-monthly spot measurements.

***Spot measurement on July 23, by Board staff engineers.

approved herein except Application 15948 of Peterson Farms. Since the filing of the District's protest, the Board has announced its Decision D 1030 on the District's Russian River applications. All of the permits issued to the District involving water of the Russian River downstream from the junction of Mark West Creek, to which Santa Rosa Creek is tributary, are, by the provisions of Decision D 1030, subject to applications for beneficial use within watersheds of tributaries of the Russian River. Therefore, no interference with the District's rights is possible through approval of any of the applications herein considered.

5. The by-passing of a flow of 5.0 cubic feet per second prior to June 1 of each year is necessary to maintain steelhead migration in Santa Rosa Creek. Portions of the upper reaches of the stream above the sewage disposal plant necessary for this purpose are dry during the month of June, making permit conditions regarding fish releases for that month inoperative. Irrigation normally commences after June 1.

6. There is unappropriated water available at times to supply applicants under Applications 15404, 15573, 15661, 15669, and 15948, and such water may be diverted and used in the manner proposed by said applicants, when available and subject to suitable conditions, without causing substantial injury to any other lawful user of water. There is no unappropriated water available to supply the later applicants.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 15404, 15573, 15661, 15669, and 15948 should be approved and that permits should be issued to the applicants subject to the terms and conditions set forth in the following Order, and that Applications 18146, 18210, 18533, 18543, 18555, 18556, and 18642 should be denied.

IT IS HEREBY ORDERED that Applications 15404, 15573, 15661, 15669, and 15948 be, and the same are, approved, and that permits be issued to the applicants subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated under permit issued on Application 15404 shall be limited to the amount which can be beneficially used and shall not exceed 1.44 cubic feet per second to be diverted between about May 1 and about November 15 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights. The permittee shall, during the month of May, by-pass a minimum flow of 5 cubic feet per second or the flow of the stream, whichever is less, to maintain fish life.

2. The amount of water to be appropriated under permit issued on Application 15573 shall be limited to the amount which can be beneficially used and shall not exceed 2 cubic feet per second to be diverted between about June 1 and about October 31 of each year. The equivalent of such continuous flow allowance

for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

3. The amount of water to be appropriated under permit issued on Application 15661 shall be limited to the amount which can be beneficially used and shall not exceed 0.94 cubic foot per second to be diverted between about June 1 and October 1 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

4. The amount of water to be appropriated under permit issued on Application 15669 shall be limited to the amount which can be beneficially used and shall not exceed 0.75 cubic foot per second to be diverted between about June 1 and about October 1 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

5. The amount of water to be appropriated under permit issued on Application 15948 shall be limited to the amount which can be beneficially used and shall not exceed 1 cubic foot per second to be diverted between about May 1 and about September 15 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights. The permittee shall, during the month of May, by-pass a minimum flow of 5 cubic feet per second or the flow of the stream, whichever is less, to maintain fish life.

6. The maximum amounts herein stated may be reduced in the licenses if investigation warrants.

7. Actual construction work shall begin on or before June 1, 1962, and thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted these permits may be revoked.

8. Said construction work shall be completed on or before December 1, 1964.

9. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

11. All rights and privileges under these permits, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

It is further ordered that Applications 18146, 18210, 18533, 18543, 18555, 18556, and 18642 be, and the same are denied.

